

REMARKS

Claims 1-3 and 15 were rejected under 35 U.S.C. 103(a) on Narayanan '131 in view of Carter '254. This rejection was maintained because the term "consisting essentially of" was alleged to be insufficient to overcome a rejection based on the art reciting "comprising". Accordingly, Applicant has demonstrated by Declaration herein that the presence of the N-octyl pyrrolidone component of the Narayanan single phase, microemulsion composition would material change the characteristics of applicant's invention. Particularly, it would change it from being the desired aqueous dispersion, (a two-phase system), wherein the polymer is suspended in the anionic emulsifier, to the detrimental microemulsion.

In summary, this Declaration establishes that the presence of N-octyl pyrrolidone transforms the aqueous dispersion of the invention (a two-phase system) into a microemulsion (a one-phase system). In this invention, the smaller particle size in the Narayanan single phase system is not desired herein. Rather a dispersion of copolymer particles of defined size is necessary for a suitable dispersion of the copolymer. Reconsideration is respectfully requested.

The Examiner stated that Narayanan in '131 teaches that a microemulsion is a dispersion having a particle size of 0.01 to 0.1 micron. However, in applicants composition the two-phase dispersion of the polymer (in the absence of a co-emulsifier such as N-octyl pyrrolidone) is defined by a much larger particle size of polymer, i.e. <10 microns, preferably <5-6 microns and, most preferably, 0.1-2 microns. In contrast, in Narayanan '131, N-octyl pyrrolidone is present in the composition to transform it into a microemulsion with a polymer particle size in the lower range of 0.01 microns to create a single phase system. Reconsideration is requested.

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The Examiner has stated that Carter discloses that lignin sulfate is a well known anionic emulsifier, and that Narayanan teaches employing an anionic emulsifier. However, the invention herein consists essentially of a combination of named components in defined amounts and physical parameters which is not shown or described in either of the references, singly or together. The specification herein teaches that many different anionic emulsifiers may be used in the invention combination; however polymeric emulsifiers, e.g. lignin sulfonate, neutralized methyl vinyl ether-maleic acid half-ester, and polyacrylic acid are preferred emulsifiers, particularly in claims 1-3 and 15 and in the specification examples, which are not mentioned in the secondary references for use in the composition of this invention.

Reconsideration is requested.

In view of the foregoing, the claims as amended are believed to define patentable invention over the cited art. Accordingly, reconsideration and early allowance of the claims as amended is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Katz". The signature is written in a cursive style with a horizontal line underneath it.

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